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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			CHENCINSKI, SIEGFRIED E	
			ART UNIT	PAPER NUMBER
			3628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/225,208	TOGAWA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Siegfried E. Chencinski	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claims 1, 3, 5, 21, 24, 27 and 28 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Fargher et al.(US Patent No. 5,826,040) in view of Matsuzaki et al. (US Patent No. 5,767,848).

**Re. Claims 1, 21, 24, 27 and 28**, Fargher discloses a computer system performing real-time management of object-oriented system objects as job objects among groups of workers as worker groups in communication with each other via networked computers, said computer system comprising:

- a resource manager managing the job-object conditions worker group by worker group in real-time based upon the job definition form;
- a scheduler establishing the job-object conditions and scheduling each worker group to process the job objects, according to each worker group job procedure defined in the job definition form; and
- a job monitor performing real-time monitoring of job processing by the worker groups based on the procedure of each worker group in the job definition form and performing real-time controlling of sharing of the job-objects among the worker groups while maintaining security of the job objects according to the job-object conditions managed by the resource manager group by group and/or member by member thereof, thereby for a first worker group or a member thereof inhibiting access to the job objects thereof from another worker group or a member thereof to which permission to use the job objects of the first worker group or a member thereof is not allocated.

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(Col. 4, lines 19-21; Col. 7, line 3; Col. 5, line 35 - Col. 7, line 62)

Fargher does not explicitly disclose a form generator generating job definition forms, each job definition form defines worker groups to process, based upon job procedures, the objects of the object-oriented system as the job objects according to job-object conditions, each job definition form representing a group of workers as a job.

However, the use of forms of all kinds, particularly those drawn up by hand, those preprinted and those programmed to be printed by computer printers are an ever present component of life in every facet of business activity, including in the management of projects, computer operations and manufacturing. As such, the use of job definition forms defining worker groups that process the job objects according to job-object conditions are implicit to the description of any system managing projects, jobs and/or groups of workers. The use of forms would therefore also have been obvious within the Fargher disclosure, as well to an ordinary practitioner of the art designing applicant's system as a communications tool in order to efficiently administer applicant's system.

Also, Matsuzaki actually discloses a resource manager managing the job-object conditions worker group by worker group in real-time; a job monitor monitoring, in real-time, job processing by the worker groups based upon the job definition forms and maintaining security of the job objects according to the job-object conditions in real-time, thereby for a first worker group inhibiting access to the job objects thereof from another worker group to which permission to use the job objects of the first worker group is not allocated; as well as a scheduler establishing the job-object conditions and scheduling each worker group to process the job objects according to each worker group procedure defined in the job definition form, in response to the job processing information provided by said job monitor, and using forms in the management of projects. (Abstract; Col. 5, line 35 - Col. 7, line 65; Forms and Projects - Col. 19, line 67 - Col. 20, line 9). It would thus have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosure of Fargher with that of Matsuzaki for the purpose designing an efficient worker task management system involving applicant's invention, motivated by the desire to provide

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a progress monitoring means of monitoring means capable of objectively monitoring the progress of a project (Matsuzaki, Col. 2, ll. 1-3).

**Re. Claim 3**, Fargher et al. disclose a system comprising a rearranging unit that manages worker rearrangements among the worker groups and manages the job-object conditions of the rearranged worker groups according to progress of the jobs from the job monitor, wherein said job monitor monitors the job processing and the job objects of the worker groups according to information from said rearranging unit (Col. 9, line 40 to Col. 10, line 46).

**Re. Claim 5**, Fargher discloses a system wherein said job monitor performs at least one of transferring a job object from one of the worker groups to another worker group and automatically changing the job objects of any one of the worker groups according to a procedure (Col. 5, lines 10 - Col. 6, line 67).

**3. Claims 2, 23, 25 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fargher and Matsuzaki, and further in view of Rapoza (PC Week v12, n19, p74(2)).

The teachings of Fargher and Matsuzaki are discussed above.

**Re. Claims 2, 23 and 25**, neither Fargher nor Matsuzaki explicitly disclose:

**Re. Claim 2**, a method wherein said resource manager, job monitor, and scheduler exchange rights to use the job objects among the worker groups;

**Re. Claim 23**, a method wherein as the job object conditions, each job definition form identifies for each worker group, information indicating the rights to use the job objects, and at least one of a job period, worker group members, processes, the job objects allocated to the job carried out by the worker group, and permission information of the job objects.

**Re. Claim 25**, a computer readable medium, the program further comprising a function of storing a job definition form defining for each group the jobs, the form indicating rights to use the resources, wherein the job definition form identifies for each job carried out by each group, as information indicating the rights to use the resources, at least one of a job period, group members, the

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resources allocated to the job to be carried out by the group, and permission information of the resources.

However,

**Re. Claim 2**, Rapozo discloses a system wherein said resource manager, job monitor, and scheduler exchange rights to use the job objects among the worker groups (p. 1. TEXT: ll. 33-36; l. 24 – p. 2. l. 4; p. 2, ll. 35-40. Rapozo discloses and suggests extensive flexibility on ManagePro 3.0. “We initially created a network directory for shared databases and created a ManagePro database with one password, which gave full access rights to anyone who had access to the network drive. This set-up makes it easy for workgroup members to share information and updates the database in real time”. This clearly suggests that resource managers, schedulers and monitors provide for the exchanging of rights to use job objects among worker groups and workers);

**Re. Claims 23 & 26**, Rapoza discloses a system and a method wherein as the job object conditions, a job definition form identifies for each worker group, information indicating the rights to use the job objects, and a job period, worker group members, and processes (TEXT: p. 1. ll. 8 – p. 2. l. 3); and

**Re. Claim 25**, Rapoza discloses a computer readable medium, the program comprising a function of storing a job definition form defining for each group the jobs, the form indicating rights to use the resources, wherein the job definition form identifies for each job carried out by each group, as information indicating the rights to use the resources, and a job period, worker group members, and processes (TEXT: p. 1. ll. 20-22).

**Therefore, re. claims 2, 23 and 25**, it would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher and Matsuzaki with those of Rapozo to avoid conflict among the groups and also to maximize the organization's production, motivated by a desire to get things done on time (Rapoza, p. 1, Text, ll. 5-7).

**Re. Claim 26**, Fargher discloses a computer system performing real-time management of object-oriented system objects as job objects among groups of

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workers as worker groups in communication with each other via networked computers, said computer system comprising:

a resource manager managing the job-object conditions worker group by worker group in real-time based upon the job definition form;

a scheduler establishing the job-object conditions and scheduling each worker group to process the job objects, according to each worker group job procedure defined in the job definition form; and

a job monitor performing real-time monitoring of job processing by the worker groups based upon the procedure of each worker group in the job definition form and performing real-time controlling of sharing of the job-objects among the worker groups while maintaining security of the job objects according to the job-object conditions managed by the resource manager group by group and/or member by member thereof, thereby for a first worker group or a member thereof inhibiting access to the job objects thereof from another worker group or a member thereof to which permission to use the job objects of the first worker group or the member thereof is not allocated,

Fargher does not explicitly disclose:

- a form generator generating job definition forms, each job definition form defines worker groups to process, based upon job procedures, the objects of the object-oriented system as the job objects according to job-object conditions;
- wherein as the job-object conditions, each job definition form identifies for each worker group, information indicating rights to use the job objects, and at least one of a job period, worker group members, the job objects allocated to the job to be carried out by the worker group, and the permission information of the job objects; and
- wherein said resource manager, job monitor, and scheduler exchange rights to use the job objects among the worker groups, based upon the job-object conditions of each worker group defined in the job definition form.

Fargher does not explicitly disclose a form generator generating job definition forms, each job definition form defines worker groups to process, based upon job procedures,

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the objects of the object-oriented system as the job objects according to job-object conditions, each job definition form representing a group of workers as a job. However, the use of forms of all kinds, particularly those drawn up by hand, those preprinted and those programmed to be printed by computer printers are an ever present component of life in every facet of business activity, including in the management of projects, computer operations and manufacturing. As such, the use of job definition forms defining worker groups that process the job objects according to job-object conditions are implicit to the description of any system managing projects, jobs and/or groups of workers. The use of forms would therefore also have been obvious within the Fargher disclosure, as well to an ordinary practitioner of the art designing applicant's system as a communications tool in order to efficiently administer applicant's system.

Also, Matsuzaki actually discloses a resource manager managing the job-object conditions worker group by worker group in real-time; a job monitor monitoring, in real-time, job processing by the worker groups based upon the job definition forms and maintaining security of the job objects according to the job-object conditions in real-time, thereby for a first worker group inhibiting access to the job objects thereof from another worker group to which permission to use the job objects of the first worker group is not allocated; as well as a scheduler establishing the job-object conditions and scheduling each worker group to process the job objects according to each worker group procedure defined in the job definition form, in response to the job processing information provided by said job monitor, and using forms in the management of projects. (Abstract; Col. 5, line 35 - Col. 7, line 65; Forms and Projects - Col. 19, line 67 - Col. 20, line 9).

Further, Rapoza discloses a system wherein as the job object conditions, a job definition form identifies for each worker group, information indicating the rights to use the job objects, and a job period, worker group members, and processes (TEXT: p. 1. ll. 8 - p. 2. l. 3). Rapozo also discloses a system wherein said resource manager, job monitor, and scheduler exchange rights to use the job objects among the worker groups (p. 1. TEXT: ll. 33-36; l. 24 - p. 2. l. 4; p. 2, ll. 35-40. Rapozo discloses and



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suggests extensive flexibility on ManagePro 3.0. "We initially created a network directory for shared databases and created a ManagePro database with one password, which gave full access rights to anyone who had access to the network drive. This set-up makes it easy for workgroup members to share information and updates the database in real time". This clearly suggests that resource managers, schedulers and monitors provide for the exchanging of rights to use job objects among worker groups and workers).

Therefore, it would thus have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosure of Fargher with that of Matsuzaki and Rapoza for the purpose designing an efficient worker task management system performing real-time management of object-oriented system objects as job objects among groups of workers as worker groups in communication with each other via networked computers, motivated by a desire to get things done on time (Rapoza, p. 1, Text, ll. 5-7).

**4. Claims 4, 6, 11-15 and 22 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Fargher et al.(US Patent No. 5,826,040) in view of Matsuzaki (US Patent No. 5767848)and further in view of the IBM Disclosure Bulletin (December 1991, US, Vol. 34, Issue Number 7B, Pages 114-117, Extensible Access Control List Mechanism, heretofore IBM).

The teachings of Fargher and Matsuzaki are discussed above.

**Re. Claim 4**, neither Fargher or Matsuzaki explicitly disclose a system wherein an emergency group is allowed to access every job object of every worker group; and the job monitor accepts any request from the emergency worker group for accessing a job object. However, IBM discloses a system wherein: an emergency group is allowed to access every job object of every worker group; and the job monitor accepts any request from the emergency group for accessing a job object (IBM, Text, page 1, lines 1-9, page 2, lines 6-11, 11-49) because the IBM disclosure makes a provision for full access by any group such as group admin which is anticipated to require access. It would therefore have been obvious to an ordinary practitioner of the art at the time of the invention to include the IBM

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disclosure's access to all functions of all job objects to emergency workers and emergency groups, and any personnel who are anticipated to require emergency access to make sure that emergencies can be dealt with at any time whenever such is necessary in the combination of Fargher and Matsuzaki with IBM's disclosure for the advantage of the organization, motivated by the desire to provide full user compatibility with the existing Discretionary Access Control mechanism on a system (IBM, p. 1., ll. 3-5).

**Re. Claim 6**, neither Fargher or Matsuzaki explicitly disclose a system wherein the job definition forms define group permission information, the system further comprising a request unit that, when a first group makes a request to use a job object of a second group, uses the group permission information to contact the second group for permission to use the job object. However, IBM discloses a system wherein the job definition forms define group permission information, the system further comprising a request unit that, when a first group makes a request to use a job object of a second group, uses the group permission information to contact the second group for permission to use the job object (IBM, Full document). It would thus have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher and Matsuzaki with that of the IBM Disclosure Bulletin for the purpose designing an efficient worker task management system involving applicant's invention, motivated by the desire to provide a progress monitoring means of monitoring means capable of objectively monitoring the progress of a project.

**Re. Claims 11-15**, Fargher does not explicitly disclose

- a system wherein said job monitor holds the schedules of the jobs of the worker groups and exchanges the jobs among the worker groups;
- a system wherein said job monitor limits location, period, and each worker group to handle a job object, to thereby strictly maintain the security of the job object.
- a system wherein said job monitor indicates whether permission for use of the job object is to be granted upon approval of all or some of the members of the second worker group.

- a system wherein said job monitor adds a name of a worker group to which a job object belongs to a name of the job object, whereby plural job objects having the same name can be allocated to the worker group.
  - a system wherein said job monitor allocates a representative name to a set of job objects and identically handles the job objects under the representative name.
- However, Matsuzaki discloses
- a system wherein said job monitor holds the schedules of the jobs of the worker groups and exchanges the jobs among the worker groups;
  - a system wherein said job monitor limits location, period, and each worker group to handle a job object, to thereby strictly maintain the security of the job object.
  - a system wherein said job monitor indicates whether permission for use of the job object is to be granted upon approval of all or some of the members of the second worker group.
  - a system wherein said job monitor adds a name of a worker group to which a job object belongs to a name of the job object, whereby plural job objects having the same name can be allocated to the worker group.

a system wherein said job monitor allocates a representative name to a set of job objects and identically handles the job objects under the representative name (Col. 5, line 35 - Col. 7, line 65).

It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher with those of Matsuzaki and the IBM article in order to identify a member who assumes responsibility for the resources when all conditions are confirmed, motivated by the desire to provide a progress monitoring means of monitoring means capable of objectively monitoring the progress of a project (Matsuzaki, Col. 2, ll. 1-3).

**Re. Claim 22**, neither Fargher nor Matsuzaki disclose a method comprising setting as one of the job-object conditions rights to use the job objects among the worker groups processing the job objects. However, IBM discloses a method comprising setting as one of the job-object conditions rights to use the job objects among the worker groups

processing the job objects (IBM Disclosure Document). It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher with those of Matsuzaki in order to identify a member who assumes responsibility for the resources when all conditions are confirmed, motivated by the desire to provide a progress monitoring means of monitoring means capable of objectively monitoring the progress of a project.

**5. Claim 7 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Fargher, Matsuzaki and IBM, and further in view of Persham (US Patent 5,260,986). The teachings of Fargher, Matsuzaki and IBM are discussed above.

**Re. Claim 7**, neither Fargher, Matsuzaki or IBM explicitly disclose a system wherein a request unit uses one of a telephone and a pager to request the second worker group for permission to use the job object. However, Persham discloses a system wherein a request unit uses one of a telephone and a pager to request the second worker group for permission to use the job object (Abstract). It would have been obvious to an ordinary practitioner of the art at the time of the invention to combine the disclosures of Fargher, Matsuzaki and IBM with the disclosures of Persham to achieve the most time efficient and rapid communications among workers in various work groups, motivated by the desire to make available a reliable and flexible notification service (Persham, Abstract, ll. 3-6).

**6. Claim 8 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Fargher, Matsuzaki and IBM, and further in view of Hwang (US Patent 5,530,892). The teachings of Fargher, Matsuzaki and IBM are discussed above.

**Re. Claim 8**, neither Fargher, Matsuzaki or IBM explicitly disclose a system wherein a request unit uses one of a telephone, a notebook computer, an electronic notepad, and a workstation through one of a wide-area network, a personal computer communication network and a wireless network to request the second worker group for permission to use the job object. However, Hwang discloses a system wherein a request unit uses a workstation through a personal computer communication network

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(Abstract). It would have been obvious to an ordinary practitioner of the art at the time of the invention to combine the disclosures of Fargher, Matsuzaki and IBM with the disclosures of Hwang to achieve the most time efficient and rapid communications among workers in various work groups, motivated by the desire to make available an efficient team/work group oriented multiple PC system usable enterprise wide which is well organized and easy to manage (Hwang, Col. 2, ll. 32-33, 38, 44-45).

**7. Claim 9 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Fargher, Matsuzaki and IBM, and further in view of D'Agosto (US Patent 4,975,896). The teachings of Fargher, Matsuzaki and IBM are discussed above.

**Re. Claim 9**, neither Fargher, Matsuzaki or IBM explicitly disclose a system further comprising a visual I/O unit and an audio I/O unit to request the second worker group for permission to use the job object. However, D'Agosto discloses a system further comprising a visual I/O unit and an audio unit to request the second worker group for permission to use the job object (Abstract). It would have been obvious to an ordinary practitioner of the art at the time of the invention to combine the disclosures of Fargher, Matsuzaki and IBM with the disclosures of D'Agosto to achieve the most time efficient and rapid communications among workers in various work groups, motivated by the desire for a relatively simple and low cost office communications network which results in more efficient and faster communications among work groups (D'Agosto, Col. 6, ll. 10-13).

**8. Claim 19 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Fargher, Matsuzaki, IBM and D'Agosto, and further in view of Morishima, (US Patent 5,589,956).

The teachings of Fargher, Matsuzaki, IBM and D'Agosto are discussed above.

**Re. Claim 19**, neither Fargher, Matsuzaki or IBM explicitly disclose a system wherein:

- a visual I/O unit is a television camera; and
- an audio I/O unit is a microphone.

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However, Morishima discloses a system wherein a visual I/O unit is a television camera (Col. 6, lines 44-45). Also, D'Agosto discloses a system wherein an audio I/O unit is a microphone (Col. 11, line 54).

It would have been obvious to an ordinary practitioner of the art at the time of the invention to combine the disclosures of Fargher, Matsuzaki and IBM with the disclosures of D'Agosto and Morishima to achieve the most time efficient and rapid communications among workers in various work groups, motivated by the desire to provide an image display element with a large field of view with high definition (Morishima, Col. 1, ll. 11-12).

**9. Claims 10, 17, 18 and 20 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Fargher, in view of Matsuzaki and IBM, and further in view of Waldren (US Patent 4,884,219), Zinsmeyer (US Patent 3,927,800) and Morishima (US Patent 5,589,956).

The teachings of Fargher, Matsuzaki and IBM are discussed above.

**Re. Claims 10 and 20**, neither Fargher, Matsuzaki nor IBM explicitly disclose a system comprising:

- an input device, attached to a selected member of the second worker group, for identifying and locating the member; and
- a system according to claim 10, wherein
  - o an input unit is one of a sensor and a transmitter; and
  - o a positioning unit is a television camera.

However, Waldren discloses a system wherein said input device is a virtual-reality device attached to the selected member, to identify the location of the member (Abstract). Zinsmeyer discloses a system where said input unit is one of a sensor and a transmitter. Morishima discloses a positioning unit generating an image of the selected member, said input unit and positioning unit being used to directly request the member of the second worker group for permission to use the job object, and a system where a positioning unit is a television camera. It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the

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disclosures of Fargher, Matsuzaki and IBM with those of Waldren, Zinsmeyer and Morishima for efficiency and security purposes, motivated by the desire to provide an image display element with a large field of view with high definition (Morishima, Col. 1, ll. 11-12).

**Re. Claim 17**, neither Fargher, Matsuzaki or IBM explicitly disclose a system wherein an input device is a head-mount display worn by the selected member so that the member may give permission to use the job object.

However, Morishima discloses a system wherein an input device is a head-mount display worn by the selected member so that the member may give permission to use the job object (Col. 16, line 64 - Col. 17, line 41).

It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosure of Fargher, Matsuzaki and IBM with that of Morishima in order to equip work group members with head-mount image display technology to provide an efficient communications response capability to work group members of the organization for the purposes of efficient communication and increased security, motivated by the desire to provide an image display element with a large field of view with high definition (Morishima, Col. 1, ll. 11-12).

**Re. Claim 18**, neither Fargher nor Matsuzaki nor Zinsmeyr nor Morishima explicitly disclose a system wherein said input device is provided with at least one of a password and an ID, to prevent illegal access to said input device.

However, IBM discloses a system wherein said input device is provided with at least one of a password and an ID, to prevent illegal access to said input device (Text, page 1, lines 1-21). It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher, Matsuzaki, Zinsmeyer and Morishima with those of IBM for the simple reason of preventing illegal access to the device, motivated by the desire to make the communications secure.

**10. Claim 16 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Fargher, in view of Matsuzaki, IBM, Waldren, Zinsmeyer and Morishima, and further in view of Weber (US Patent 4,995,071).

The teachings of Fargher, Matsuzaki, IBM Zinsmeyer and Morishima are discussed above.

**Re. Claim 16**, neither Fargher, Matsuzaki, IBM, Waldren, Zinsmeyer or Morishima explicitly disclose a system wherein said input device is a virtual-reality device attached to the selected member, to identify the location of the member.

However, Weber discloses a system wherein an input device is a positioning unit generating an image of the selected member, the input unit and positioning unit being used to directly request the member of the second worker group for permission to use the job object (Abstract). It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher, Matsuzaki and IBM with those of Weber for efficiency and security purposes, motivated by a desire to have a simple audio and video communications system which requires no special additional equipment to operate (Weber, Col. 1, ll. 61-66).

### ***Response to Arguments***

11. Applicant's arguments filed April 24, 2006 with respect to the rejection of claims 1, 21, 24, 27 and 28 have been fully considered but they are not persuasive. Applicant's arguments regarding claim 26 are moot in view of the new grounds of rejection necessitated by Applicant's amendment of claim 26. The previous rejection of claim 4 under 35 USC 112 – 1<sup>st</sup> paragraph has been withdrawn based on applicant's amendment of claim 4.

**ARGUMENT:** “A *prima facie* case of obviousness has not been established” in the rejection of claims 1, 21, 24, 27 and 28 as being unpatentable over Fargher in view of Matsuzaki (pp. 12, l. 3 - p. 15, end; specifically 12, ll. 3-6).

**RESPONSE:** Applicant's arguments consistently rely on a line of rationale which is more appropriate for arguments against an anticipation rejection by consistently applying a “not necessarily” and an inherency standard against obviousness rejections (inherency - p. 13, line 12; p. 15, l. 5; and “not necessarily”, or “fails to necessarily” – p. 13, l. 20, 29; p. 14, l. 13; p. 15, ll. 4, 25, 27). Further, Applicant fails to provide any



substantive response in arguing against the obviousness standards used in the rejections. For example, in asserting that Fargher fails to disclose or suggest element 1 (a) "a former generator generating ....", which the rejection states is not explicitly disclosed by Fargher, Applicant fails to present any arguments against the examiner's rationale regarding the obviousness for the use of forms, as repeated above for three quarters of a page ("However, the use of forms of all kinds.... Also, Matsuzaki actually ....". Above, p. 3, ll. 2-23). Then, Applicant uses three quarters of page 13 of his response to state that the nine other references used primarily in rejecting various dependent claims do not support the inherency of this limitation (limitation (a) in claim 1. In misplacing his inherency argument, applicant refers to MPEP 2112 on P. 13, ll. 29-30, and on p. 15, ll. 27-28, citing MPEP 2112-IV. As it happens, MPEP 2112 clearly differentiates between the standards of anticipation and the standards for obviousness. As it happens, section V immediately following cites a court opinion which states the following: "V. ONCE A REFERENCE TEACHING PRODUCT APPEARING TO BE SUBSTANTIALLY IDENTICAL IS MADE THE BASIS OF A REJECTION, AND THE EXAMINER PRESENTS EVIDENCE OR REASONING TENDING TO SHOW INHERENCY, THE BURDEN SHIFTS TO THE APPLICANT TO SHOW AN UNOBTAINABLE DIFFERENCE. "[T]he PTO can require an applicant to prove that the prior art products do not necessarily or inherently possess the characteristics of his [or her] claimed product. Whether the rejection is based on 'inherency' under 35 U.S.C. 102, on 'prima facie obviousness' under 35 U.S.C. 103, jointly or alternatively, the burden of proof is the same...[footnote omitted]." The burden of proof is similar to that required with respect to product-by-process claims. *In re Fitzgerald*, 619 F.2d 67, 70, 205 USPQ 594, 596 (CCPA 1980) (quoting *In re Best*, 562 F.2d 1252, 1255, 195 USPQ 430, 433-34 (CCPA 1977))".

Further, the Federal Circuit recently has been distinguishing the rulings of *In re Lee* and *In re Dembiczak*, and the recent holding in *In re Johnston*. The recently ruling of *In re Kahn* supports this trend as well. Note the following: "A suggestion, teaching, or motivation to combine the relevant prior art teachings does not have to be found explicitly in the prior art, as the teaching, motivation, or suggestion may be implicit from

the prior art as a whole, rather than expressly stated in the references. . . . The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art. In re Kotzab, 217 F.3d 1365, 1370 (Fed. Cir. 2000). However, rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. See Lee, 277 F.3d at 1343-46; Rouffett, 149 F.3d at 1355-59. This requirement is as much rooted in the Administrative Procedure Act, which ensures due process and non-arbitrary decisionmaking, as it is in § 103. See id. at 1344-45.” In re Kahn, Slip Op. 04-1616, page 9 (Fed. Cir. Mar. 22, 2006).

In this instance, as summarized above and in the rejections which are repeated, the examiner has met the standards reconfirmed by *In re Kahn*. The examiner has pointed to a combination of explicit, implicit, suggested and obvious reasons, to the knowledge of the ordinary practitioner in consideration of the problems to be solved, all supported by articulated reasoning with some rational underpinning to support the legal conclusion of obviousness in making the rejections of independent claims 1, 21, 24, 27 and 28 under the 35 USC obviousness statute.

### ***Conclusion***

**12. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Sough, can be reached on (571) 272-6799.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

*Commissioner of Patents and Trademarks, Washington D.C. 20231*


or (571)273-8300 [Official communications; including After Final communications labeled "Box AF"]

(571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

July 3, 2006

  
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